

EXECUTIVE OFFICER'S SUMMARY REPORT
9:00 a.m., November 5, 2003
North Coast Regional Water Board
Hearing Room
5550 Skylane Boulevard, Suite A
Santa Rosa, California

ITEM: 6

SUBJECT: **PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDER WAIVING WASTE DISCHARGE REQUIREMENTS FOR TIMBER HARVESTING ACTIVITIES.**

On December 10, 2002, the North Coast Regional Water Quality Control Board adopted a Negative Declaration, an Initial Study and Order No. R1-2002-0109, Interim Categorical Waiver for Discharges Related to Timber Operations in the North Coast Region (Interim Waiver). Order No. R1-2002-0109 sunsets on December 31, 2003.

The Interim Waiver exempted timber operations conducted pursuant to the Z'berg-Nejedly Forest Practice Act (Public Resources Code section 4511 et seq.) from waste discharge requirements except as otherwise specifically provided within the waiver. The Interim Waiver also exempted silvicultural activities on National Forest System lands except as otherwise provided within the waiver.

For a project to be eligible for coverage under the Interim Waiver certain conditions must continue in force and others must be met specifically by the project. For timber operations on non-federal lands these conditions are detailed as Items F.1-F.5 of the Interim Waiver. For silvicultural activities on federal lands these conditions are detailed as Items H.1-H.8 of the Interim Waiver.

Should the Executive Officer determine that an individual project meets specific criteria, the Interim Waiver shall not apply to that individual project. These criteria are detailed at Items G.1-G.5 for timber operations on non-federal lands and as Items I.1-I.4 for timber operations on federal lands.

The tentative Order No. R1-2003-0116 proposes minor revisions to the Interim Waiver. These minor revisions include:

- Requiring the discharge to provide technical report when directed by the Executive Officer (Item F.4);
- Allowing Regional Water Board staff to enter affected property(ies) to conduct inspections, take samples, or monitor to determine waiver compliance (Item F.6);
- Clarifying when and how further regulation of timber operations may be warranted (Item G.3);
- Adding a requirement that timber operations must be consistent with state and federal anti-degradation standards (Item G.6);

- Extending the expiration date to December 31, 2004 (Item K); and,
- Automatically enrolling projects covered by the Interim Waiver under the new waiver (Item M).

On August 12 and 13, 2003, the State Water Resources Control Board (State Water Board) conducted a hearing regarding timber harvest waivers from the North Coast Region, the Central Valley Region and the Lahontan Region. That hearing was held on petitions of waivers for timber operations filed by the timber industry and environmental groups. The State Water Board received much testimony and is currently reviewing the matter. To date, the State Water Board has not provided policy direction to the Regional Water Boards on how to proceed. Policy direction is not anticipated before November 5, 2003.

The State Water Board policy direction will presumably take several months--perhaps up to a year--to implement. Order No. R1-2003-0116, if adopted, is intended to provide waiver coverage until the State Water Board's policy direction can be carried out.

As discussed above, the Interim Waiver sunsets on December 31, 2003. Staff proposes that timber operations and silvicultural activities covered by the Interim Waiver to be automatically enrolled in Order No. R1-2003-0116, if adopted. Enrollees would have up to December 31, 2003, to opt out of the new waiver if desired. New timber operations and silvicultural activities will need to seek coverage under Order No. R1-2003-0116, if adopted, because those projects will not be eligible for coverage under the Interim Waiver.

PRELIMINARY

STAFF RECOMMENDATION: Staff recommends adoption of Order No. R1-2003-0116.